

REMARKS

In an official action dated December 24, 2009, the Examiner rejected the pending claims as obvious over Parks 1,774,662 in view of Jokela 5,456,581 and Salter 5,259,738. In a Response dated June 24, 2010, Applicant amended the claims and requested that the Examiner reconsider the rejection. In an interview dated July 22, 2010 the Examiner further explained his rejection. Applicants request that the Examiner reconsider the rejection.

Drawing

Applicant requests that the Examiner reconsider the objection to Fig. 2 presented in the Response filed June 24, 2010. The drawing finds clear support in the application as originally filed. For instance, claim 1 as originally filed recites a machine having working chambers each of which is connected to a fluid commutating means. So clearly the application discloses that the system may have multiple working chambers, which in the application are identified by reference number 4. Similarly, the application teaches that the system may include valves inserted into the flow path between each chamber and the commutating means. See claim 1 and the Abstract, and paragraph [0002]. Specifically, paragraph [0002] states that the “valves [may be] individually controlled by electronic signal, allowing each of the chambers to be isolated.” In light of the foregoing, Applicant requests that the Examiner accept Fig. 2 submitted in Applicant’s response dated June 24, 2010.

Regarding claim 18, during the interview on July 22, 2010, the Examiner indicated that he had concerns regarding the substance of claim 18. Applicant notes that paragraph [0002] states that the valves are individually controlled by electronic signal allowing each of the chambers to be isolated. Paragraph [0002] further states that the controller has an input signal of the position of the shaft of a machine allowing timing of the valve actuation to be phased relative to the position of the shaft. Further still, the Abstract states that the valve allows overriding of the fixed mechanical commutation by closing the valve cyclically synchronized with the angular position of the shaft. In light of at least these portions of the application, Applicant requests that the Examiner reconsider his objection to claim 18.

Turning now to the claims, in Parks there is no "flow path" between the cylinders and the commutator. Plate 43 is the cylinder head but at the same time essentially forms part of the commutator, the other component being the rotary valves 55, 56 which open and close ports in the plate 43. There is no flow path in which to insert an electronic valve.

Therefore, if anyone wanted to make this machine controllable he would replace the mechanical commutator valve with electronic valves. He would not keep the mechanical commutator. But even if one thought of adding an electronic valve, there is nowhere for it to go. The machine would have to be completely redesigned.

With respect to Jokela, the controllable valves in the Jokela pump are arranged

in the inlet passages between the low pressure manifold and the cylinder. Each valve can be selectively operated to isolate the respective cylinder from the low pressure inlet.

There are valves in the outlet passages leading to the high pressure manifold but they are "dumb" check valves, not selectively operable. Therefore there is nothing in Jokela that suggests the use of one controllable valve for opening or closing a flow path that leads from a cylinder to both a high pressure and a low pressure manifold (alternately to each of them, depending on the state of the commutator). This one valve shuts off the single path that acts both as an outlet and an inlet in normal operation.

In summary:

1. If a person of ordinary skill in the art wished to make the cylinders of Parks separately selectable, he would replace the mechanical commutator valves with electronic valves - he would not use both; In fact, the Examiner has not provided any reference teaching or suggesting the combination of a system using a commutator valve and separate control valves for controlling the fluid flow. The Examiner has only provided references that teach a system that use a commutator valve or a system that uses a plurality of valves that replace the commutator valve.

2. A person of ordinary skill in the art would dismiss the idea of adding controllable valves to Parks because there is nowhere to put them;

3. If a person of ordinary skill in the art decided to completely redesign Parks so as to have a flow path between the working chamber and the commutator valve it would still

not necessarily lead to Applicant's system as recited in claim 1. In fact if we had to guess what might result in view of the other references, the references suggest that the system would have separate low pressure and high pressure paths, each separately commutated by the commutator valve, but either with a controllable valve only in the low pressure path as in Jokela or with a separate controllable valve in each path as in Salter. In either case, the teachings do not lead to Applicant's system as recited in claim 1. Accordingly, Applicant requests that the Examiner reconsider the rejection of claim 1 and dependent claims 2-9. Applicants also request that the Examiner favorably consider newly presented claims 11-20.

Applicant believes that the application is in form for allowance. If the Examiner believes that any issues remain regarding the allowability of the application, the Examiner is encouraged to contact Applicant's undersigned attorney by telephone to resolve the remaining issues.

Respectfully submitted,

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